

ASSEMBLY BILL

No. 28

Introduced by Assembly Member Nakanishi

December 6, 2004

An act to add Article 8 (commencing with Section 390) to Chapter 4 of Division 1 of the Business and Professions Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

AB 28, as introduced, Nakanishi. Public health care.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. The Medi-Cal program is, in part, governed and funded by federal medicaid provisions.

This bill would express the Legislature's intent to ensure that health care providers who contract to provide medical services to underserved populations as agents of the state are provided liability protection by the state.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 8 (commencing with Section 390) is
- 2 added to Part 4 of Division 1 of the Business and Professions
- 3 Code, to read:

1 Article 8. California Access to Health Care Act

2
3 390. This article may be cited as the California Access to
4 Health Care Act.

5 391. The Legislature finds and declares that a significant
6 portion of the residents of this state who are uninsured or
7 medicaid recipients are unable to access needed health care
8 because health care providers fear the increased risk of medical
9 malpractice liability. It is the intent of the Legislature that access
10 to medical care for indigent residents be improved by providing
11 liability protection to health care providers who offer free quality
12 medical services to underserved populations of the state.
13 Therefore, it is the intent of the Legislature to ensure that health
14 care providers who contract to provide such services as agents of
15 the state are provided immunity.